

REMARKS

This submission is in response to the Final Rejection dated February 5, 2008, and is filed concurrently with a Request for Continued Examination (RCE).

Applicants have amended claims 1-3, 6, 7, 9-11 and 14. Applicants have added new claims 23-27 that are directed to the subject matter of the claims 17-22 canceled via the Amendment of November 15, 2007. Applicants have also added new claims 28-31 directed to a method of receiving and displaying a billing rate and an associated billing rate description via a wireless telephone. Support for the amendments to the pending claims and the new claims may be found in the specification at least in paragraphs [0018], [0019] and [0027] – [0029] in view of FIGS. 1 and 2. Applicants respectfully submit that no new subject matter has been added via the amendments set forth herein.

Claims 15 and 17-22 have been canceled without prejudice or disclaimer via the Amendment of November 15, 2007. Claims 5, 8, 13 and 16 have been additionally canceled without prejudice or disclaimer. New claims 23-31 were added. Consequently, claims 1-4, 6, 7, 9-12, 14 and 23-31 are pending in this application.

§ 103 Rejection of the Claims

Claims 1-3, 5, 6, 9-11, 13 and 14 were rejected pursuant to 35 U.S.C. § 103(a), as allegedly unpatentable over Granberg (U.S. Pat. No. 6,195,543) in view of Matz, *et al.* (U.S. Pat. No. 7,054,642) (hereinafter “Matz”). It is noted that claims 5 and 13 have been canceled without prejudice or disclaimer.

Granberg is directed to determining Advice of Charge (AoC) parameters at a control point 11 or 52 and sending the AoC parameters from the control point 11 or 52 to a mobile station 18 or 74 (See Granberg, FIGS. 1-5). The mobile station 18 or 74 receives the AoC parameters and determines or calculates a prospective cost of service for a call and calculates an accumulated cost during the call based on the AoC parameters. The cost of service and/or the

accumulated cost are displayed on a display 30 (See Granberg, Col. 5, lines 18-25 and lines 30-37). A set of E-parameters may be sent to the mobile station 18 or 74 as AoC parameters. The E-parameters may be configured as a series of seven tables: E1 – units per interval table; E2 – seconds per interval table; E3 – scaling factor table; E4 – unit increment table; E5 – units per data interval table; E6 – segments per data interval table; and E7 – initial seconds per interval table. (See Granberg, Col. 8, lines 3-9).

Independent claim 1

In traversing the rejection of independent claim 1, Applicants respectfully submit that the Granberg-Matz combination fails to teach or suggest “determining a first real-time, cost-per-unit-time billing rate and a first billing rate description associated with the first real-time, cost-per-unit-time billing rate for an in-progress telephone call of a wireless telephone, and transmitting the determined first real-time, cost-per-unit-time billing rate and the first billing rate description to the wireless telephone for display of the first real-time, cost-per-unit-time billing rate and the first billing rate description on a display of the wireless telephone during the in-progress telephone call,” as particularly recited in the independent claim 1.

An example of determining the billing rate description associated with a billing rate is illustrated in the present specification on page 6, paragraph [0029] in view of FIG. 1, element 10. Examples of the billing rate descriptions as displayed by the wireless telephone 12 are illustrated in FIG. 3A (e.g., “Anytime Home Rate”); FIG. 3B (e.g., “Additional Minutes Home Rate”); FIG. 3C (e.g., “Roaming Rate”); FIG. 3D (e.g., “Additional Minutes Roaming Rate”); FIG. 3E (e.g., “Mobile-to-Mobile Rate”); and FIG. 3F (e.g., “Night & Weekend Home Rate”).

The cited portions of Granberg do not teach or suggest determining a billing rate description that is associated with a particular billing rate and transmitting the billing rate description (with the billing rate) to the wireless telephone for display. Specifically, Granberg teaches the determination and transmission of the AoC parameters to its mobile stations 18 or 74. However, the cited portions of Granberg do not teach or suggest that the AoC parameters include a parameter representing a billing rate description that is associated with a particular billing rate.

Granberg's AoC parameters (e.g., E-parameters) are numeric and are used by the mobile stations 18 or 74 to calculate and display a call charge and/or accumulated charge for a call. (See Granberg, Col. 5, lines 66 – Col. 7, line 2; Col. 7, line 64 – Col. 8, line 11).

The secondary reference to Matz does not rectify the deficiency in Granberg identified above. Matz is directed to reducing cost of cellular service by providing a stationary cellular device (SCD) 100 that operates like a landline telephone because its use is restricted to a single geographic area. Specifically, the SCD 100 can only handoff between cell sites and place calls using the cell sites that are associated with the single geographic area (See Matz Abstract). The cited portions of Matz fail to teach or suggest determining a billing rate description that is associated with a particular billing rate and transmitting the billing rate description (with the billing rate) to the its SCD 100 for display.

In view of the foregoing, Applicants respectfully request the Examiner to withdraw the rejection pursuant to 35 U.S.C. § 103(a) of independent claim 1. Applicants further respectfully request the Examiner to withdraw the rejection of dependent claims 2, 3 and 6, based at least on their dependencies from the independent claim 1.

Independent claim 9

In traversing the rejection of independent claim 9, Applicants respectfully submit that the cited portions of Granberg and Matz fail to teach or suggest a “wireless telephone comprising a receiver to receive a first real-time, cost-per-unit-time billing rate and a first billing rate description associated with the first real-time, cost-per-unit-time billing rate for an in-progress telephone call, and a display to display the first real-time, cost-per-unit-time billing rate and the first billing rate description during the in-progress telephone call,” as particularly recited in the independent claim 9.

The cited portions of Granberg do not teach or suggest that its mobile station 18 or 74 receives a billing rate description that is associated with a particular billing rate or that its mobile station 18 or 74 displays the billing rate description with the billing rate. Specifically, Granberg teaches that the mobile station 18 or 74 receives AoC parameters. The AoC parameters do not

include a parameter representing a billing rate description that is associated with a particular billing rate. Granberg's AoC parameters (*e.g.*, E-parameters) are numeric and are used by the mobile station 18 or 74 to calculate and display a call charge and/or accumulated charge for a call. (See Granberg, Col. 5, lines 66 – Col. 7, line 2; Col. 7, line 64 – Col. 8, line 11).

The cited portions of Matz do not rectify the deficiency identified in Granberg. Specifically, the cited portions of Matz do not teach or suggest that the SCD 100 receives a billing rate description that is associated with a particular billing rate and therefore Matz SCD 100 does not display the billing rate description with the billing rate.

In view of the foregoing, Applicants respectfully request the Examiner to withdraw the rejection pursuant to 35 U.S.C. § 103(a) of independent claim 9. Applicants further respectfully request the Examiner to withdraw the rejection of dependent claims 10, 11 and 14 based at least on their dependencies from the independent claim 9.

Claims 4, 7 and 12 were rejected pursuant to 35 U.S.C. § 103(a), as allegedly unpatentable over Granberg in view of Matz and further in view of Benco, *et al.* (U.S. Pat. No. 7,068,997) (hereinafter "Benco").

The tertiary reference to Benco is directed to displaying a roaming rate charge on a roaming mobile station 30. (See Benco, Abstract in view of FIG. 1). Mobile station 30 roams in a visited wireless network 16 via a visited mobile switching center (MSC) 26. As the mobile station 30 travels into the visited wireless network 16, the visited MSC 26 contacts the mobile station's 30 home MSC 18 for account information from a subscriber database 20. The home MSC 18 determines from the subscriber database 20 the roaming rate charge (*e.g.*, per-minute roaming charge) on the visited wireless network 16 and relays this data to the visited MSC 26, which in turn communicates the roaming rate charge to the mobile station 30 for display to the subscriber or user. (See Benco, Col. 3, lines 15-26).

Claims 4, 7

In traversing the rejection of claims 4 and 7, Applicants respectfully submit that the cited portions of Granberg, Matz and Benco fail to teach or suggest “determining a first real-time, cost-per-unit-time billing rate and a first billing rate description associated with the first real-time, cost-per-unit-time billing rate for an in-progress telephone call of a wireless telephone, and transmitting the determined a first real-time, cost-per-unit-time billing rate and the first billing rate description to the wireless telephone for display of the first real-time, cost-per-unit-time billing rate and the first billing rate description on a display of the wireless telephone during the in-progress telephone call,” as recited in the independent claim 1 from which claims 4 and 7 depend.

The cited portions of Granberg, Matz and Benco, whether alone or in combination, fail to determine a billing rate description that is associated with a particular billing rate and to transmit the billing rate description (with the billing rate) to the wireless telephone for display.

Specifically, the cited portions of Granberg do not teach or suggest that its AoC parameters include a parameter representing a billing rate description that is associated with a particular billing rate. Granberg’s AoC parameters (*e.g.*, E-parameters) are numeric and are used by the mobile stations 18 or 74 to calculate and display a call charge and/or accumulated charge for a call. (See Granberg, Col. 5, lines 66 – Col 7, line 2; Col. 7, line 64 – Col. 8, line 11).

The cited portions of Matz are completely silent about determining a billing rate description that is associated with a particular billing rate and transmitting the billing rate description (with the billing rate) to the its SCD 100 for display.

Benco’s home MSC 18 determines from the subscriber database 20 the roaming rate charge (*e.g.*, per-minute roaming charge) on the visited wireless network 16 and relays this data to the visited MSC 26, which in turn communicates the roaming rate charge to the mobile station 30 for display to the subscriber or user. (See Benco, Col. 3, lines 15-26). Thus, neither the home MSC 18 nor the visited MSC 26 determines a billing rate description that is associated with the roaming rate charge for transmission with the roaming rate charge to the mobile station 30.

In view of the foregoing, Applicants respectfully request the Examiner to withdraw the rejection pursuant to 35 U.S.C. § 103(a) of dependent claims 4 and 7, based at least on their dependencies from the independent claim 1.

Claim 12

In traversing the rejection of claim 12, Applicants respectfully submit that the cited portions of Granberg, Matz and Benco fail to teach or suggest a “wireless telephone comprising a receiver to receive a first real-time, cost-per-unit-time billing rate and a first billing rate description associated with the first real-time, cost-per-unit-time billing rate for an in-progress telephone call, and a display to display the first real-time, cost-per-unit-time billing rate and the first billing rate description during the in-progress telephone call,” as particularly recited in the independent claim 9 from which claim 12 depends.

The cited portions of Granberg do not teach or suggest that its mobile station 18 or 74 receives a billing rate description that is associated with a particular billing rate or that its mobile station 18 or 74 displays the billing rate description with the billing rate. Specifically, Granberg teaches that the mobile station 18 or 74 receives AoC parameters. The AoC parameters do not include a parameter representing a billing rate description that is associated with a particular billing rate. Granberg’s AoC parameters (*e.g.*, E-parameters) are numeric and are used by the mobile station 18 or 74 to calculate and display a call charge and/or accumulated charge for a call. (See Granberg, Col. 5, lines 66 – Col 7, line 2; Col. 7, line 64 – Col. 8, line 11).

The cited portions of Matz do not rectify the deficiency identified in Granberg. Specifically, the cited portions of Matz do not teach or suggest that its SCD 100 receives a billing rate description that is associated with a particular billing rate and therefore Matz SCD 100 does not display the billing rate description with the billing rate.

Benco’s home MSC 18 relays a roaming rate charge (*e.g.*, per-minute roaming charge) for the mobile station 30 on the visited wireless network 16 to the visited MSC 26, which in turn communicates the roaming rate charge to the mobile station 30 for display to the subscriber or user. (See Benco, Col. 3, lines 15-26). Thus, Benco’s mobile station 30 does not receive a

billing rate description that is associated roaming rate charge and therefore the mobile station 30 does not display the billing rate description with the roaming rate charge.

In view of the foregoing, Applicants respectfully request the Examiner to withdraw the rejection pursuant to 35 U.S.C. § 103(a) of dependent claim 12, based on its dependency from the independent claim 9.

Claims 8 and 16 were rejected pursuant to 35 U.S.C. § 103(a), as allegedly unpatentable over Granberg and Matz and further in view of Himelhock (U.S. Pub. No. 2005/0032505).

Applicants respectfully submit that the rejection of claims 8 and 16 is moot in view of the cancellation of claim 8 and 16. Consequently, Applicants respectfully request the Examiner to withdraw the rejection of claims 8 and 16.

Although the new claims 23-31 have not been rejected over the references cited herein, Applicants nonetheless respectfully submit the cited portions of Granberg, Matz, Benco and Himelhock, either alone or in combination, fail to teach or suggest the combination in these claims for at least similar reasons set forth herein relative to the other rejections.

Specifically, the cited portions of Granberg, Matz, Benco and Himelhock, either alone or in combination, fail to teach or suggest a message generator that determines a first billing rate and first billing rate description and that generates a message including the first billing rate and the first billing rate description of independent claim 23. Additionally, the cited portions of Granberg, Matz, Benco and Himelhock, either alone or in combination, fail to teach or suggest a wireless service provider to transmit the message to the wireless telephone for display of the first billing rate and first billing rate description.

Furthermore, the cited portions of Granberg, Matz, Benco and Himelhock, either alone or in combination, fail to teach or suggest receiving at a wireless telephone a first billing rate and a first billing rate description associated with the first billing rate for an in-progress telephone call via the wireless telephone, and displaying the first billing rate and the first billing rate description on a display of the wireless telephone during the in-progress telephone call.

CONCLUSION

Applicants have pointed out specific features of the claims not disclosed, suggested, or rendered obvious by the cited references as applied in the Office Action. Accordingly, Applicants respectfully request reconsideration and withdrawal of each of the rejections, as well as an indication of the allowability of each of the pending claims.

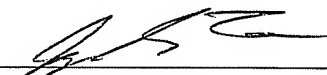
Any changes to the claims in this response, which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

The Examiner is invited to contact the undersigned attorney at the telephone number listed below if such a call would in any way facilitate allowance of this application.

The Commissioner is hereby authorized to charge any fees, which may be required, or credit any overpayment, to Deposit Account Number 50-2469.

Respectfully submitted,

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Date



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